

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 455

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Debbie A. Rodella

AN ACT

RELATING TO PUBLIC HEALTH; ESTABLISHING A HOSPITAL TRANSPARENCY  
INFORMATION SYSTEM; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Health Act is  
enacted to read:

"[NEW MATERIAL] HOSPITAL TRANSPARENCY INFORMATION SYSTEM  
ESTABLISHED.--

A. The secretary shall provide by rule for the  
establishment of a hospital transparency information system as  
follows:

(1) a single statewide association  
representing New Mexico hospitals shall be selected annually by  
the department to prepare and release a hospital transparency  
information system report made public on a searchable internet

.172095.1

underscored material = new  
[bracketed material] = delete

1 web site maintained by the department that:

2 (a) provides a means of comparing  
3 current data on the performance of each hospital; and

4 (b) provides a uniform means of  
5 reporting and defining data released by each hospital;

6 (2) data collected, prepared, released and  
7 made public on a searchable internet web site by the single  
8 statewide association representing New Mexico hospitals shall  
9 include:

10 (a) data, including infection rates,  
11 average length of stay, number of admissions generally and  
12 number of readmissions within a thirty-day period;

13 (b) costs for inpatient, outpatient or  
14 other services based on average or mean reimbursement through  
15 per diem, percent of charges, diagnosis-related group,  
16 ambulatory surgical center, procedure codes or other payment  
17 methodology, including actual costs incurred for uncompensated  
18 or charity care as defined by agreement between hospitals and  
19 the New Mexico health policy commission;

20 (c) staffing adequacy information,  
21 including the number of nurses per patient, the number of  
22 physicians per patient, the number of other direct-care staff  
23 per patient and the number of administrative staff as a  
24 percentage of the total number of patients;

25 (d) the number, type and value of civil,

underscoring material = new  
~~[bracketed material] = delete~~

1 criminal or administrative judgments against the facility;

2 (e) standardized clinical outcome  
3 measures recognized by national organizations and federal  
4 agencies to measure performance of a health care provider; and

5 (f) no personally identifiable health  
6 information; and

7 (3) a hospital shall have thirty days within  
8 which to examine the annual hospital transparency information  
9 system report and submit comments for consideration by the  
10 secretary and for inclusion in the final report.

11 B. For purposes of this section, "hospital" means a  
12 facility providing emergency or urgent care, inpatient medical  
13 care and nursing care for acute illness, injury, surgery or  
14 obstetrics. "Hospital" includes a facility licensed by the  
15 department as a critical access hospital, general hospital,  
16 long-term acute care hospital, psychiatric hospital,  
17 rehabilitation hospital, limited services hospital and special  
18 hospital."

19 Section 2. Section 24-1-5.9 NMSA 1978 (being Laws 2004,  
20 Chapter 44, Section 2 and Laws 2004, Chapter 50, Section 2) is  
21 amended to read:

22 "24-1-5.9. REPORTING REQUIREMENTS.--

23 A. A hospital, long-term care facility or [a]  
24 primary care clinic shall provide information sufficient for  
25 the secretary to make a reasonable assessment based on clear

.172095.1

underscored material = new  
[bracketed material] = delete

1 and convincing evidence of its financial viability,  
2 sustainability and potential impact on health care access.  
3 Information provided to the secretary pursuant to this section  
4 shall remain confidential, except as provided for a hospital  
5 transparency information system, and is exempt from the  
6 Inspection of Public Records Act, unless disclosure or use is  
7 mandated by the state or federal law [and]. Data provided  
8 pursuant to this section shall not be used as a basis for  
9 suspension, revocation or issuance of a license, but failure or  
10 refusal to release data as required for an annual hospital  
11 transparency information system report shall be grounds for  
12 suspension or revocation of a hospital's license. The  
13 hospital, long-term care facility or primary care clinic shall  
14 provide [~~this~~] information on financial viability and  
15 sustainability to the secretary at least sixty days before the  
16 anticipated effective date of a proposed licensure, closure,  
17 disposition or acquisition of the hospital, the long-term care  
18 facility or the primary care clinic or its essential services.

19 B. The secretary shall issue a notice of finding to  
20 the facility within sixty days of receiving information from  
21 the facility.

22 C. For the purposes of this section:

23 (1) "hospital" means a facility providing  
24 emergency or urgent care, inpatient medical care and nursing  
25 care for acute illness, injury, surgery or obstetrics.

.172095.1

underscoring material = new  
[bracketed material] = delete

1 "Hospital" includes a facility licensed by the department as a  
2 critical access hospital, general hospital, long-term acute  
3 care hospital, psychiatric hospital, rehabilitation hospital,  
4 limited services hospital and special hospital;

5 (2) "long-term care facility" means a nursing  
6 home licensed by the department to provide intermediate or  
7 skilled nursing care; and

8 (3) "primary care clinic" means a  
9 community-based clinic that provides the first level of basic  
10 or general health care for an individual's health needs,  
11 including diagnostic and treatment services and, if integrated  
12 into the clinic's service array, mental health services."

13 Section 3. EMERGENCY.--It is necessary for the public  
14 peace, health and safety that this act take effect immediately.